

INITIATIVE 678

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 678 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to dental hygienists; amending RCW 18.29.050,
2 18.29.021, 18.29.045, 18.29.060, 18.29.120, 18.29.130, 18.29.140,
3 18.29.150, 18.29.160, 18.29.180, and 18.29.210; adding new sections to
4 chapter 18.29 RCW; creating a new section; repealing RCW 18.29.110; and
5 providing an effective date.

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The purpose of this act is to expand access
8 to licensed dental hygienists so that Washington state residents may
9 select dental hygiene services for themselves and their families. It
10 is the intent that this act provide for the protection of the public's
11 health and safety by establishing qualifications for dental hygiene
12 practitioners.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.29 RCW
14 to read as follows:

15 There is created a dental hygiene quality assurance commission,
16 consisting of three practicing dental hygienists and one public member,
17 appointed by the governor. Dental hygienist members must be licensed
18 dental hygienists in the active practice of dental hygiene in

Washington state for a period of no less than five years before appointment, and shall not be connected with any dental hygiene education program. The public members shall not be connected with any dental hygiene education program or engaged in any practice or business related to dental hygiene. Members of the commission shall be appointed by the governor to prepare and conduct examinations for dental hygiene licensure, and to conduct regulatory disciplinary procedures in compliance with chapter 18.130 RCW.

Members shall be appointed to serve for terms of four years from October 1st of the year in which they are appointed. Terms of the members shall be staggered. No member may serve more than two consecutive full terms. Members of the commission hold office until their successors are appointed and qualified. Any member of the commission may be removed by the governor for neglect of duty, misconduct, malfeasance, or misfeasance in office, after being given a written statement of the charges and sufficient opportunity to be heard thereon. Members of the commission shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 3. RCW 18.29.050 and 1971 ex.s. c 235 s 1 are each amended to read as follows:

Dental hygiene is defined as a licensed profession that specializes in the maintenance of oral health and the education of the public in the prevention of oral disease. A dental hygienist is defined as a preventive oral health professional who has graduated from an accredited dental hygiene program in an institution of higher education, is licensed in dental hygiene, and who provides educational, clinical, research, administrative, and therapeutic services supporting total health through the promotion of optimal oral health.

(1) Any person licensed as a dental hygienist in this state may
~~((remove deposits and stains from the surfaces of the teeth, may apply topical preventive or prophylactic agents, may polish and smooth restorations, may perform root planing and soft-tissue curettage, and may perform other dental operations and services delegated to them by a licensed dentist: PROVIDED HOWEVER, That licensed dental hygienists shall in no event perform the following dental operations or services:~~

(1)) perform oral prophylaxis to include removal of calculus, soft deposits, plaque, stains, and the smoothing of surfaces of the teeth,

1 defined in RCW 18.29.005. A licensed dental hygienist may perform root
2 planing and soft tissue curettage, may administer local anesthetic and
3 nitrous oxide, may apply topical therapeutic and preventive agents
4 including sealants, may place and carve restorations, and may perform
5 other dental hygiene services such as educational, clinical,
6 preventive, and therapeutic services designed to promote oral health.
7 The foregoing procedures and services may only be performed under the
8 supervision of a licensed dentist.

9 (2) Dental hygienists shall not perform the following dental
10 services or dental procedures:

11 (a) Any ((surgical)) removal of or addition to the hard or soft
12 tissue of the oral cavity, except soft tissue curettage and restorative
13 procedures included in this chapter;

14 ((+2)) (b) Any prescription of drugs or medications requiring the
15 written order or prescription of a licensed dentist or physician.
16 However, a licensed dental hygienist may purchase and administer
17 appropriate drugs for therapeutic and preventive dental hygiene
18 services;

19 ((+3)) (c) Any diagnosis for dental treatment or dental treatment
20 planning; or

21 ((+4)) (d) The taking of any impression of the teeth or jaw, or
22 the relationships of the teeth or jaws, for the purpose of fabricating
23 any intra-oral restoration, appliance, or prosthesis, except for
24 preventive home therapy purposes.

25 ((Such licensed dental hygienists may perform dental operations and
26 services only under the supervision of a licensed dentist, and under
27 such supervision may be employed by hospitals, boards of education of
28 public or private schools, county boards, boards of health, or public
29 or charitable institutions, or in dental offices: PROVIDED, That the
30 number of hygienists so employed in any dental office shall not exceed
31 twice in number the licensed dentists practicing therein.))

32 NEW SECTION. Sec. 4. A new section is added to chapter 18.29 RCW
33 to read as follows:

34 Licensed dental hygienists may perform services under this chapter
35 unsupervised after obtaining an enhanced practice endorsement from the
36 dental hygiene quality assurance commission, with the exception of
37 nitrous oxide administration and the placing and carving of
38 restorations. To obtain an enhanced practice endorsement, a dental

1 hygienist must provide the dental hygiene quality assurance commission
2 satisfactory evidence of: (1) Having established health care provider
3 referral protocols, including emergency, dentist, and general health
4 care provider referrals, and patient record protocols; (2) having
5 practiced for at least five years under the supervision of a licensed
6 dentist or a licensed dental hygienist qualified under RCW 18.29.050 or
7 section 5 of this act; and (3) maintaining certification in
8 cardiopulmonary resuscitation and basic life support.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.29 RCW
10 to read as follows:

11 Dental hygienists legally practicing for five years in settings
12 under RCW 18.29.056 before the effective date of this section shall be
13 given an endorsement for enhanced practice upon application to the
14 dental hygiene quality assurance commission.

15 **Sec. 6.** RCW 18.29.021 and 1996 c 191 s 10 are each amended to read
16 as follows:

17 (1) The department shall issue a license to any applicant who, as
18 determined by the secretary:

19 (a) Has successfully completed an educational program approved by
20 the secretary. This educational program shall include course work
21 encompassing the subject areas within the scope of the license to
22 practice dental hygiene in the state of Washington;

23 (b) Has successfully completed an examination administered or
24 approved by the dental hygiene ((~~examining committee~~)) quality
25 assurance commission; and

26 (c) Has not engaged in unprofessional conduct or is not unable to
27 practice with reasonable skill and safety as a result of a physical or
28 mental impairment.

29 (2) Applications for licensure must comply with administrative
30 procedures, administrative requirements, and fees established according
31 to RCW 43.70.250 and 43.70.280.

32 **Sec. 7.** RCW 18.29.045 and 1991 c 3 s 47 are each amended to read
33 as follows:

34 An applicant holding a valid license and currently engaged in
35 practice in another state may be granted a license without examination
36 required by this chapter, on the payment of any required fees, if the

1 (~~((secretary in consultation with the advisory committee))~~) dental
2 hygiene quality assurance commission determines that the other state's
3 licensing standards are substantively equivalent to the standards in
4 this state(~~((:—PROVIDED, That))~~). However, the (~~((secretary in~~
5 ~~consultation with the advisory committee))~~) dental hygiene quality
6 assurance commission may require the applicant to: (1) File with the
7 (~~((secretary))~~) dental hygiene quality assurance commission documentation
8 certifying the applicant is licensed to practice in another state; and
9 (2) provide information as the (~~((secretary))~~) dental hygiene quality
10 assurance commission deems necessary pertaining to the conditions and
11 criteria of the uniform disciplinary act, chapter 18.130 RCW and to
12 demonstrate to the (~~((secretary))~~) dental hygiene quality assurance
13 commission a knowledge of Washington law pertaining to the practice of
14 dental hygiene.

15 **Sec. 8.** RCW 18.29.060 and 1991 c 3 s 48 are each amended to read
16 as follows:

17 Upon passing an examination and meeting the requirements as
18 provided in RCW 18.29.021, the (~~((secretary of health))~~) dental hygiene
19 quality assurance commission shall issue to the successful applicant a
20 license as dental hygienist. The license shall be displayed in a
21 conspicuous place in the (~~((operation room))~~) treatment facility where
22 such licensee shall practice.

23 **Sec. 9.** RCW 18.29.120 and 1995 c 198 s 5 are each amended to read
24 as follows:

25 The (~~((secretary in consultation with the Washington dental hygiene~~
26 ~~examining committee))~~) dental hygiene quality assurance commission
27 shall:

28 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
29 prepare and conduct examinations for dental hygiene licensure;

30 (2) Require an applicant for licensure to pass an examination
31 consisting of written and practical tests upon such (~~((subjects))~~) topics
32 and content and of such scope as the (~~((committee))~~) dental hygiene
33 quality assurance commission determines;

34 (3) Set the standards for passage of the examination;

35 (4) Administer at least two examinations each calendar year.
36 Additional examinations may be given as necessary; and

1 (5) Establish by rule the procedures for an appeal of an
2 examination failure.

3 **Sec. 10.** RCW 18.29.130 and 1991 c 3 s 53 are each amended to read
4 as follows:

5 (1) In addition to any other authority provided by law, the
6 (~~secretary~~) dental hygiene quality assurance commission may:

7 ((+1)) (a) Adopt rules in accordance with chapter 34.05 RCW
8 necessary to implement this chapter;

9 ((+2)) (b) Interpret the practice of dental hygiene in accordance
10 with this chapter;

11 (c) Establish forms necessary to administer this chapter;

12 ((+3)) (d) Issue a license to any applicant who has met the
13 education and examination requirements for licensure and deny a license
14 to applicants who do not meet the minimum qualifications for licensure.
15 Proceedings concerning the denial of licenses based on unprofessional
16 conduct or impaired practice shall be governed by the uniform
17 disciplinary act, chapter 18.130 RCW;

18 ((+4)) (e) Employ clerical, administrative, and investigative
19 staff as needed to implement and administer this chapter and hire
20 individuals, including those licensed under this chapter, to serve as
21 examiners or consultants as necessary to implement and administer this
22 chapter;

23 ((+5)) (f) Maintain the official departmental record of all
24 applicants and licensees;

25 ((+6)) (g) Establish, by rule, the minimum education requirements
26 for licensure, including but not limited to approval of educational
27 programs; (~~and~~

28 +7)) (h) Establish and implement by rule a continuing education
29 program; and

30 (i) Conduct disciplinary hearings in compliance with chapter 18.130
31 RCW.

32 (2) The dental hygiene quality assurance commission, after
33 consultation with the board of pharmacy, shall adopt rules that
34 authorize a dental hygienist to purchase and administer therapeutic and
35 preventive agents and devices that may be appropriate drugs under
36 chapter 69.41 RCW, consistent with the provisions of this chapter.

Sec. 11. RCW 18.29.140 and 1991 c 3 s 54 are each amended to read as follows:

The ((secretary)) dental hygiene quality assurance commission shall establish by rule the standards and procedures for approval of educational programs and may contract with individuals or organizations having expertise in the profession or in education to report to the ((secretary)) dental hygiene quality assurance commission information necessary for the secretary to evaluate the educational programs. The secretary may establish a fee for educational program evaluation. The fee shall be set to defray the administrative costs for evaluating the educational program, including, but not limited to, costs for site evaluation.

Sec. 12. RCW 18.29.150 and 1991 c 3 s 55 are each amended to read as follows:

(1) The secretary shall establish the date and location of the examination. Applicants who meet the education requirements for licensure shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The examination shall contain ((subjects)) topics and content that evaluate the clinical competence of applicants appropriate to the scope of dental hygiene practice and on laws in the state of Washington regulating dental hygiene practice.

(3) The ((committee)) dental hygiene quality assurance commission shall establish by rule the requirements for a reexamination if the applicant has failed the examination.

(4) The ((committee)) dental hygiene quality assurance commission may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

Sec. 13. RCW 18.29.160 and 1991 c 3 s 56 are each amended to read as follows:

((The secretary,)) Members of the ((committee)) dental hygiene quality assurance commission, and individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties.

1 **Sec. 14.** RCW 18.29.180 and 1991 c 3 s 57 are each amended to read
2 as follows:

3 The following practices, acts, and operations are excepted from the
4 operation of this chapter:

5 (1) The practice of dental hygiene in the discharge of official
6 duties by dental hygienists in the United States armed services, coast
7 guard, public health services, veterans' bureau, or bureau of Indian
8 affairs;

9 (2) Dental hygiene programs approved by the ((~~secretary~~)) dental
10 hygiene quality assurance commission and the practice of dental hygiene
11 by students in dental hygiene programs approved by the ((~~secretary~~))
12 dental hygiene quality assurance commission, when acting under the
13 direction and supervision of persons licensed under chapter 18.29 or
14 18.32 RCW acting as instructors.

15 NEW SECTION. **Sec. 15.** A new section is added to chapter 18.29 RCW
16 to read as follows:

17 The department shall issue a temporary dental hygiene license in
18 accordance with rules adopted by the dental hygiene quality assurance
19 commission.

20 **Sec. 16.** RCW 18.29.210 and 1993 c 323 s 4 are each amended to read
21 as follows:

22 The ((~~secretary in consultation with the dental hygiene examining~~
23 ~~committee~~)) dental hygiene quality assurance commission shall develop
24 rules and definitions to implement this chapter.

25 NEW SECTION. **Sec. 17.** RCW 18.29.110 and 1991 c 3 s 51 & 1989 c
26 202 s 3 are each repealed.

27 NEW SECTION. **Sec. 18.** This act takes effect January 1, 1998.

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